

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jeffrey S. Wruble (SBN: 94734); William S. Brody (SBN: 136136) Buchalter, A Professional Corporation 1000 Wilshire Boulevard, Suite 1500 Los Angeles, CA 90017-2457 TELEPHONE NO.: (213) 891-0700		FOR COURT USE ONLY
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff HFC ACCEPTANCE, LLC		FAX NO. (Optional):
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
STREET ADDRESS: 350 West First Street MAILING ADDRESS: 350 West First Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: UNITED STATES DISTRICT COURT-Central District of CA		
PLAINTIFF/PETITIONER: HFC ACCEPTANCE, LLC, a California limited liability company		CASE NUMBER: 2:23-cv-07744-DDP-AGR
DEFENDANT/RESPONDENT: AEZ Rent A Car LLC, a New York limited liability company; et al.		
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (*served in complex cases only*)
 - e. cross-complaint
 - f. other (*specify documents*): See attached list
3. a. Party served (*specify name of party as shown on documents served*): YITZCHOK M. BIRNHACK
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (*specify name and relationship to the party named in item 3a*):
4. Address where the party was served: 4720 Bay Parkway, Brooklyn, NY 11230
5. I served the party (check proper box)
 - a. by **personal service**. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. by **substituted service**. On (date): 11/03/2023 at (time): 7:50am I left the documents listed in item 2 with or in the presence of (*name and title or relationship to person indicated in item 3*):
 John Doe, (mid-30's, 5'9", 170lbs, brown hair, beard, white, male), resident
 - (1) (**business**) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (**home**) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (**physical address unknown**) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: HFC ACCEPTANCE, LLC, a California limited liability company	CASE NUMBER: 2:23-cv-07744-DDP-AGR
DEFENDANT/RESPONDENT: AEZ Rent A Car LLC, etc.; et al.	

5. c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date): (2) from (city):

(3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)

(4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. by other means (specify means of service and authorizing code section):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a. as an individual defendant.

b. as the person sued under the fictitious name of (specify):

c. as occupant.

d. On behalf of (specify):
under the following Code of Civil Procedure section:

<input type="checkbox"/> 416.10 (corporation)	<input type="checkbox"/> 415.95 (business organization, form unknown)
<input type="checkbox"/> 416.20 (defunct corporation)	<input type="checkbox"/> 416.60 (minor)
<input type="checkbox"/> 416.30 (joint stock company/association)	<input type="checkbox"/> 416.70 (ward or conservatee)
<input type="checkbox"/> 416.40 (association or partnership)	<input type="checkbox"/> 416.90 (authorized person)
<input type="checkbox"/> 416.50 (public entity)	<input type="checkbox"/> 415.46 (occupant)
	<input type="checkbox"/> other:

7. Person who served papers

a. Name: Joshua Lee, c/o SHERMAN & ASSOCIATES, PI

b. Address: 18375 Ventura Blvd., #506, Tarzana, CA 91356

c. Telephone number: (213) 305-0485

d. The fee for service was: \$ 3,494.24

e. I am:

(1) not a registered California process server.

(2) exempt from registration under Business and Professions Code section 22350(b).

(3) a registered California process server:
(i) owner employee independent contractor.
(ii) Registration No.:
(iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

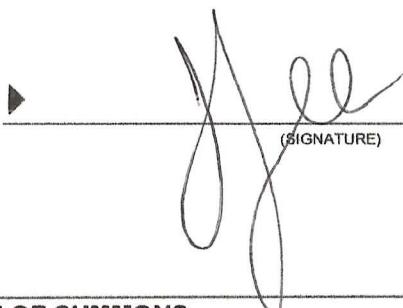
or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11/08/2023

Joshua Lee

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

SERVICE DOCUMENTS

HFC ACCEPTANCE, LLC, etc., et al.

v. AEZ Rent A Car LLC, etc., et al.

USDC/Central District of California Case No. 2:23-cv-07744-GW-AGR

1. COMPLAINT
2. SUMMONS
3. CIVIL COVER SHEET
4. NOTICE OF INTERESTED PARTIES
5. NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES
6. NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM
7. NOTICE TO COUNSEL RE CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE
8. PLAINTIFF'S EX PARTE APPLICATION FOR: (1) ORDER APPOINTING TEMPORARY RECEIVER AND ORDER TO SHOW CAUSE WHY A PERMANENT RECEIVER SHOULD NOT BE APPOINTED, AND (2) TEMPORARY RESTRAINING ORDER IN AID OF RECEIVER AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION IN AID OF RECEIVER SHOULD NOT BE ISSUED; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF
9. DECLARATION OF JEFFREY BRODSKY IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR: (1) ORDER APPOINTING TEMPORARY RECEIVER AND ORDER TO SHOW CAUSE WHY A PERMANENT RECEIVER SHOULD NOT BE APPOINTED, AND (2) TEMPORARY RESTRAINING ORDER IN AID OF RECEIVER AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION IN AID OF RECEIVER SHOULD NOT BE ISSUED
10. DECLARATION OF SHIR DAVIDOVICZ IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR: (1) ORDER APPOINTING TEMPORARY RECEIVER AND ORDER TO SHOW CAUSE WHY A PERMANENT RECEIVER SHOULD NOT BE APPOINTED, AND (2) TEMPORARY RESTRAINING ORDER IN AID OF RECEIVER AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION IN AID OF RECEIVER SHOULD NOT BE ISSUED
11. DECLARATION OF BRADLEY D. SHARP IN SUPPORT OF EX PARTE APPLICATION FOR: (1) APPOINTING A TEMPORARY RECEIVER AGAINST DEFENDANTS, ORDER TO SHOW CAUSE WHY A PERMANENT RECEIVER SHOULD NOT BE APPOINTED, AND (2) FOR ISSUANCE OF TEMPORARY RESTRAINING ORDER IN AID OF RECEIVER AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT BE ISSUED
12. [PROPOSED] ORDER: (1) APPOINTING A TEMPORARY RECEIVER AGAINST DEFENDANTS, ORDER TO SHOW CAUSE WHY A PERMANENT RECEIVER SHOULD NOT BE APPOINTED, AND (2) FOR ISSUANCE OF TEMPORARY RESTRAINING ORDER IN AID OF RECEIVER AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT BE ISSUED
13. PROOF OF SERVICE

14. SUPPLEMENTAL DECLARATION OF SHIR DAVIDOVICZ IN SUPPORT OF PLAINTIFF'S EX PARTE APPLICATION FOR: (1) ORDER APPOINTING TEMPORARY RECEIVER AND ORDER TO SHOW CAUSE WHY A PERMANENT RECEIVER SHOULD NOT BE APPOINTED, AND (2) TEMPORARY RESTRAINING ORDER IN AID OF RECEIVER AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION IN AID OF RECEIVER SHOULD NOT BE ISSUED
15. PROOF OF SERVICE
16. ORDER RETURNING CASE FOR REASSIGNMENT
17. NOTICE OF ENTRY OF ORDER RETURNING CASE FOR REASSIGNMENT
18. STANDING ORDER RE FINAL PRE-TRIAL CONFERENCES FOR CIVIL TRIALS BEFORE JUDGE GEORGE H. WU
19. DECLARATION OF DAVID E. MARK REGARDING NOTICE OF PLAINTIFF'S EX PARTE APPLICATION FOR: 1) ORDER APPOINTING TEMPORARY RECEIVER AND ORDER TO SHOW CAUSE WHY A PERMANENT RECEIVER SHOULD NOT BE APPOINTED, AND (2) TEMPORARY RESTRAINING ORDER IN AID OF RECEIVER AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION IN AID OF RECEIVER SHOULD NOT BE ISSUED
20. NOTICE OF APPEARANCE OR WITHDRAWAL OF COUNSEL
21. NOTICE OF RULING ON PLAINTIFF'S EX PARTE APPLICATION TO APPOINT RECEIVER FOR HFC FINANCED VEHICLES

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) Jeffrey S. Wruble (SBN: 94734) William S. Brody (SBN: 136136) Buchalter, A Professional Corporation 1000 Wilshire Boulevard, Suite 1500, Los Angeles, CA 90017-2457 ATTORNEYS FOR: Plaintiff HFC ACCEPTANCE, LLC	TELEPHONE NO. (213) 891-0700	(For Court use only)
NAME OF COURT: United States District Court-Central District of California STREET ADDRESS: 350 West First Street MAILING ADDRESS: 350 West First Street CITY AND ZIP CODE: Los Angeles, 90012 BRANCH NAME: First Street Courthouse		
PLAINTIFF: HFC ACCEPTANCE, LLC, a California limited liability company		
DEFENDANT: AEZ Rent A Car LLC, a New York limited liability company; et al.	COURT CASE NUMBER 2:23-cv-07744-DDP-AGR	
DECLARATION OF DILIGENCE ON YITZCHOK M. BIRNHACK	HEARING: DATE: TIME: PLACE:	

I, Joshua Lee, do hereby certify and declare that I am over the age of 18, and not a party to this action. I am an independent contractor for SHERMAN & ASSOCIATES, PI. My business address is 18375 Ventura Blvd., #506, Tarzana, CA 91356 with telephone (213) 305-0485. If called upon as a witness I could and would testify under oath of my own personal and first-hand knowledge of the service attempts described herein:

Address: 5314 16th Avenue, #202, Brooklyn, NY 11204

Attempt: 10/04/2023 Time: 1:36pm Result: Unmanned private mailbox facility. No one was there.

Address: 4720 Bay Pkwy, Brooklyn, NY 11230

Attempt: 10/05/2023 Time: 6:26pm Result: Per clean shaven male 20's, says works for subject but he is not home now.

Address: 199 Lee Avenue, Suite 675, Brooklyn, NY 11204

Attempt: 10/16/2023 Time: 1:55pm Result: Private mailbox facility, manager can't confirm if good for subject or companies.

Address: 4720 Bay Pkwy, Brooklyn, NY 11230

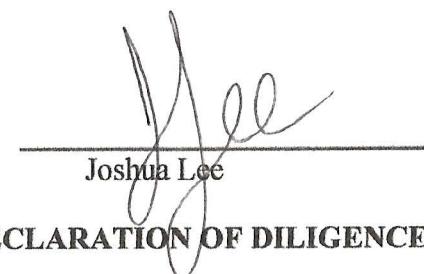
Attempt: 10/16/2023 Time: 4:43pm Result: Housekeeper says he is home in the basement. I went down the driveway finding the garage door open but a male inside saw me and ignored my calls to him and he disappeared into home quickly before closing the garage door. I could not see him well enough to identify him or serve.

Address: 4720 Bay Pkwy, Brooklyn, NY 11230

Attempt: 11/03/2023 Time: 7:50am Result: Male exited home to white Escalade. Said he is not Yitzchok M. Birnhack, but refused to identify himself instead talking on his phone. Advised was serving him for Mr. Birnhack and left documents in his general proximity secured against the closed garage door which is down his driveway.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 8th day of November, 2023, at Brooklyn, NY.

Joshua Lee
c/o SHERMAN & ASSOCIATES, PI
18375 Ventura Blvd., #506
Tarzana, CA 91356
(213) 305-0485


Joshua Lee

DECLARATION OF DILIGENCE

1 JEFFREY S. WRUBLE (SBN: 94734)
2 Email: jwruble@buchalter.com
3 WILLIAM S. BRODY (SBN: 136136)
4 Email: wbrody@buchalter.com
5 DAVID E. MARK (SBN: 247283)
6 Email: dmark@buchalter.com
7 MARY ANCY PENDERGRASS (SBN: 252705)
8 Email: mpendergrass@buchalter.com
9 BUCHALTER
A Professional Corporation
1000 Wilshire Blvd., Suite 1500
Los Angeles, CA 90017-2457
Telephone: (213) 891-0700
Facsimile: (213) 896-0400

8 Attorneys for Plaintiff, HFC ACCEPTANCE, LLC
9

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 HFC ACCEPTANCE, LLC, a California
13 limited liability company,

Case No: 2:23-cv-07744-DDP-AGR

14 Plaintiff,

DECLARATION OF MAILING

15 v.

16 AEZ Rent A Car LLC, a New York
17 limited liability company;
ICR Group LLC, a New York limited
liability company;
JHRC Corp, a New York corporation;
The Bar, LLC, a New York limited
liability company;
WCR Group, LLC, a New York limited
liability company;
YTS Group, LLC, a New York limited
liability company;
Yitzchok M. Birnhack, an individual
domiciled in New York,

23 Defendants.

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DECLARATION OF MAILING

HFC Acceptance, LLC, etc. v. AEZ Rent A Car LLC, etc., et al.
U.S.D.C. Case No. 2:23-cv-07744-DDP-AGR

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER, A Professional Corporation, 1000 Wilshire Boulevard, Suite 1500, Los Angeles, CA 90017-1730. My email address is larias@buchalter.com.

On the date set forth below, I mailed the copies of the documents described as follows:

1. COMPLAINT
2. SUMMONS
3. CIVIL COVER SHEET
4. NOTICE OF INTERESTED PARTIES
5. NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES
6. NOTICE TO PARTIES OF COURT-DIRECTED ADR PROGRAM
7. NOTICE TO COUNSEL RE CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE
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12. [PROPOSED] ORDER: (1) APPOINTING A TEMPORARY RECEIVER AGAINST DEFENDANTS, ORDER TO SHOW CAUSE WHY A PERMANENT RECEIVER

1 SHOULD NOT BE APPOINTED, AND (2) FOR ISSUANCE OF TEMPORARY
2 RESTRAINING ORDER IN AID OF RECEIVER AND ORDER TO SHOW CAUSE
3 WHY A PRELIMINARY INJUNCTION SHOULD NOT BE ISSUED

4 13. PROOF OF SERVICE

5 14. SUPPLEMENTAL DECLARATION OF SHIR DAVIDOVICZ IN SUPPORT OF
6 PLAINTIFF'S EX PARTE APPLICATION FOR: (1) ORDER APPOINTING
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11 15. PROOF OF SERVICE

12 16. ORDER RETURNING CASE FOR REASSIGNMENT

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14 18. STANDING ORDER RE FINAL PRE-TRIAL CONFERENCES FOR CIVIL TRIALS
19 BEFORE JUDGE GEORGE H. WU

20 19. DECLARATION OF DAVID E. MARK REGARDING NOTICE OF PLAINTIFF'S
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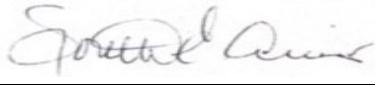
26 20. NOTICE OF APPEARANCE OR WITHDRAWAL OF COUNSEL

27 21. NOTICE OF RULING ON PLAINTIFF'S EX PARTE APPLICATION TO APPOINT
28 RECEIVER FOR HFC FINANCED VEHICLES

(by first-class, postage prepaid) to the person to be served at the place where the
copies were left.

I mailed the documents on November 8, 2023 from Los Angeles, CA.

29 Loretta E. Arias


(Signature)